

# WSDA INTERPRETATIVE DOCUMENT

## HANDLER AND WORKER ACTIVITIES IN A TREATMENT AREA



### Specific Rule and Relevant Provisions:

Worker Protection Standards (WPS)  
WAC 16-233-120 and 125

### Scope of Interpretative Document:

Clarification of WPS with regard to permissible activities by commercial applicators or farm employees in conjunction with a pesticide application relating to chemigation and soil injection.

### May a pesticide application occur in a field or block in which preparatory field operations or farm worker activities are currently taking place?

Yes. It is not a violation of WPS if a field related-activity or hand labor is performed within the same parcel where an on-going pesticide operation is taking place, provided that a farm worker:

- Does not enter the treated area or the area currently undergoing treatment.
- Does not come into physical contact with equipment, plants, soil, or water whether treated or exposed to the pesticide(s) originating from the application.
- Remains outside of the treated area and is not subject to inhalation exposure emanating from the treated area.

For example, a soil injection, ground application, or chemigation operation may occur in a field or block wherein a tillage or other soil preparatory operation, or hand labor activity (e.g., pruning, thinning, picking, or vine tying) is being performed. These activities may take place on an untreated parcel or on that portion of the field or block where a pesticide application has yet to occur or will not occur.

### Is it necessary for an employee to be trained as a handler in order to perform soil preparation activities?

No. As long as the person remains outside of the treated area or the area undergoing treatment, training as a handler is not necessary.

### Is it necessary for an employee to be trained as a worker in order to perform soil preparation activities?

No. Training is not required as long as the person remains outside of the treated area, the area undergoing treatment, or an area that has undergone treatment within the past 30 days.

### What is meant by a “treated area”?

A treated area is any portion of the field or block on which the pesticide is currently being directed or has already been applied.

General policy statements and interpretative documents represent WSDA’s official interpretation of legislation, statute, or stance with regard to exercising its discretionary authority.

Inquiries regarding the availability of this publication in an alternative format should be directed to the WSDA Receptionist at (360) 902-1976 or Telecommunications Device for the Deaf at (360) 902-1996.

### **What is the difference between a handler and a worker?**

A handler is compensated by an agricultural establishment, and who is involved in mixing, loading, transferring, or applying pesticides; handling open containers; or assisting with a pesticide application. A worker, who is also compensated, performs activities relating to the production of agricultural plants on an agricultural establishment.

During an application, if calibrating an injection unit, maintaining or repairing or replacing equipment, or transferring product from a tanker to an application tank in a treated area, the person is performing handler tasks and must be properly trained and equipped.

### **What activities are allowed within a field or block, with the exception of those areas deemed to have been treated?**

- Tillage operations performed in a field with an on-going chemigation application. However, any soil preparation activity must occur on an untreated portion of the field.

Note: this activity can increase the potential for pesticide exposure to unprotected workers due to proximity to the treated area.

- Tillage operations performed in preparation for a ground application or soil injection of a pesticide. Tillage operations must be restricted to the untreated portion of the field.
- Workers performing pruning, thinning, picking, or other hand labor activity that is taking place in the same block in which a pesticide application is occurring. However, this activity can potentially increase the likelihood of worker exposure.

Note: Many agricultural pesticide labels require that a product be applied in such a manner to prevent worker exposure, whether by direct contact or by physical drift. It is the responsibility of the applicator and employer to ensure that an adequate distance is maintained between workers and any application to prevent exposure.

### **Can a treated area be entered before the four-hour exclusionary period or before the end of the restricted-entry interval (REI), providing that contact with treated surfaces is avoided and that no physical labor is performed?**

Yes. The exception for “a no contact activity” allows a worker to enter a treated area, providing that no contact is made with anything treated, whether directly or indirectly, with the pesticide; no inhalation risk is present; or no hand labor activity is performed.

For example, a vehicle may be operated on a center pivot access road once the road is no longer predisposed to pesticide-laden water or to physical drift and the worker does not exit the vehicle.

Note: A pesticide label may prohibit any activity during the REI.

### **What are the additional requirements for commercial applicators?**

A commercial applicator must provide application information to the owner(s) or operator(s) of the agricultural establishment (i.e., farm, forestry, nursery, or greenhouse) to assure that the grower’s employees are protected from human exposure.

Additional information about worker protection requirements may be obtained from the following WSDA Pesticide Management offices:

#### **Olympia**

PO Box 42589  
Olympia, WA 98504  
Phone: (360) 902-2040  
Toll Free 1-877-301-4555

#### **Moses Lake**

821 E. Broadway  
Suite 4  
Moses Lake, WA 98837  
Phone: (509) 766-2574

#### **Spokane**

222 N. Havana  
Suite 203  
Spokane, WA 99202  
Phone: (509) 533-2690

#### **Wenatchee**

1505 N. Miller  
Suite 140  
Wenatchee, WA 98807  
Phone: (509) 662-0493

#### **Yakima**

21 North 1<sup>st</sup> Avenue  
Suite 236  
Yakima, WA 98902  
Phone: (509) 225-2646

#### **WSDA website:**

<http://www.agr.wa.gov>